

Fiscal Note

Fiscal Services Division



HF 528 – Jail Prisoner Medical Treatment (LSB1956HV)

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Fiscal Note Version – New

Requested by Representative Megan Jones

Description

House File 528 requires the County Board of Supervisors to pay for the safekeeping and maintenance of county jail prisoners after the initial appearance before a magistrate. The Bill provides that any medical injuries experienced by a person (arrestee) before being transferred to the custody of the county sheriff is the liability of the arresting agency, if the medical costs are not billed to and collected from the injured arrestee or an insurer. “Custody” is defined to begin after the arrestee’s initial appearance before a magistrate for the purposes of this Bill. The priority order of payment for hospitals is to bill for the injured arrestee’s Medicaid or the arrestee’s insurer, or the arrestee if he/she is not Medicaid-eligible and has no insurance. If the arrestee fails to pay for the medical costs incurred before the initial appearance, then the arresting agency is liable. Arresting agencies may be city police departments, county sheriffs, or State agencies such as the Department of Public Safety ([DPS](#)).

Background

- Under current law, Iowa Code section [356.15](#) requires county boards of supervisors to pay for the operating costs of county jails. Expenses for offenders committed to county jail for violations of city ordinances are the responsibility of the city. Expenses for out-of-state prisoners held in local county jails are the responsibility of the other state. Expenses for offenders committed or detained by the federal government are the responsibility of the federal agency.
- Expenses for holding alleged violators of the conditions of parole, work release, or certain Operating While Intoxicated (OWI) offenders are the responsibility of the State Department of Corrections ([DOC](#)). See the **Fiscal Topic**, [Budget Unit: County Confinement Account](#) for additional information regarding this General Fund expense. The DOC pays for all medical expenses of these prisoners under current law. Total FY 2014 General Fund expenses were approximately \$1.4 million for the County Confinement Account. This amount includes about \$32,000 for medical expenses that may have been incurred before or after the offender was held in the county jail.
- Under current law, Iowa Code section [804.28](#) provides that the county is not liable for medical expenses incurred by people arrested by the Iowa DPS, if the medical costs are due to injuries incurred before the sheriff takes custody.
- There is a standing unlimited General Fund appropriation to the DPS, Medical Injuries – DPS Custody. The most recent expenses for this Fund were in FY 2001 (\$2,903 in expenses) and FY 2002 (\$283 in expenses).
- Certain State agencies, such as the Department of Transportation ([DOT](#)), the Department of Natural Resources ([DNR](#)), and the [Insurance Division](#) of the [Department of Commerce](#), may have certified law enforcement personnel with arresting authority with limited jurisdictions.
- There are 98 counties that maintain jails. Three of these facilities are temporary holding facilities; they can detain an inmate for a maximum of 24 hours. The 98 county facilities have 7,033 beds, with about 832 temporary holding beds and 6,201 standard county jail beds.

- The amount of medical costs incurred before the initial appearance is not known.

Assumptions

- Costs currently paid by the counties will be paid by the arresting agencies, primarily cities.
- The DPS and the DOC can be billed for these expenses under current law, so there should be no change in the DPS or the DOC budgets under this Bill.
- The number of arrests made by other State agencies is not known but is estimated to be a small percentage of the total arrests annually.
- Overall costs will not change.

Fiscal Impact

The Bill shifts certain expenses from the county budgets to arresting agencies. The amount of expenses involved cannot be estimated.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division (CJJPD)
Department of Human Services
Department of Corrections
Iowa League of Cities
State Financial System – I/3

/s/ Holly M. Lyons

March 25, 2015

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
